

# Notice of Allowability

Application No.

09/472,818

Examiner

Andrew Graham

Applicant(s)

YAMAYA, KIYOHICO

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/12/06.
2. ☒ The allowed claim(s) is/are 1,6-7,13-14,16-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Andrew Graham  
571-272-7517

Art Unit: 2644

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/12/2006 has been entered.

***Allowable Subject Matter***

2. Claims 1, 6, 7, 13, 14, and 16-21 are allowed. For purposes of issue, these claims have been respectively renumbered, 1, 2, 3, 5, 6, 7, 8, 4, and 9-11.

3. The following is an examiner's statement of reasons for allowance:

**Claim 1** has been amended to at least recite "rigidly keeps said sensor between said stationary member and said sound source member" and "wherein said rigid sensor holding member has a length adjusting mechanism for rigidly adjusting a length of said sensor holding member, according to a distance between said stationary member and said sound source member" and "said sensor is forcibly and rigidly supported and held between said stationary member and said sound

Art Unit: 2644

source member, upon adjustment of said length adjusting mechanism" and "said first side end or second side end has an angle-adjusting mechanism contacting said stationary member or said sound source member such that said sensor is rigidly supported and held by said sensor holding member at an arbitrary angle... so as to optimize detection of vibration from said sound source member at the sensor". Jennings appears to be the closest prior art reference, wherein a sensor is also held between a sound source and a stationary member of a piano, and wherein the length of the sensor holding member is adjustable (as was applied in the previous office action). However, the holding member of Jennings involves a spring and is thus not a 'rigid' sensor holding member that enables the functions of 'rigidly' keeping the sensor between the stationary and sound source members, "rigidly adjusting the length" of the overall holding member, nor forcibly and rigidly supporting the sensor between said sound source and stationary members upon adjustment of said length adjusting mechanism, wherein these functions are considered in view of their particular wordings in Claim 1, well as other components and limitations recited therein. Such a spring also fails to read on an angle adjusting mechanism that functions such that the sensor is "rigidly supported and held" and an arbitrary angle "so as to optimize detection of vibration from said sound source member at the sensor". Other references of record, such as Paul, Pozar, and Izdebski disclose rigid, length adjustable sensor holder members, but the corresponding teachings respectively included therein do not provide suggestion or

Art Unit: 2644

motivation for arriving at the rigid sensor holding member as presently claimed, again, when said limitation is considered in view of each and every other limitation in said claims. In previous office actions, the particularly claimed angle adjusting mechanism was equated to the adjustable clamp face of a C-clamp, well-known in the general mechanical arts. However, upon further consideration, the use of such a clamp face or physical interface in the claimed piano pickup apparatus is not motivated or suggested by either prior art of record nor general knowledge in the arts of which evidence can be produced. Accordingly, the particularly amended limitations, when considered in view of each and every other limitation in said claims, are considered not taught or made obvious over at least the prior art of record, and are allowed hereby. Claims 6-7, 13-14, and 16-18 depend from Claim 1 and are indicated as allowable for at least the same reasons as set forth above with regards to Claim 1. Claim 19 recites features identical or analogous to those cited above with regards to Claim 1, and are also hereby indicated as allowable for at least the same reasons as set forth above with regards to Claim 1. Claims 20 and 21 depend from Claim 19 and are indicated as allowable for at least the same reasons as set forth above with regards to Claim 19.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2644

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Graham whose telephone number is 571-272-7517. The examiner can normally be reached on Monday-Friday, 8:30 AM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrew Graham

March 20, 2006

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PRIMARY EXAMINER